

REMARKS

Claims 1-50 and 52-84 are pending in the application prior to entry of amendments submitted herewith. Claims 20-23, 25, 26, 35, 37-46, 59-62, 64, 65 and 72-84 have been withdrawn from consideration by the Examiner as being directed to nonelected specie. Claims 1-19, 24, 27-34, 36, 47-50, 52-58, 63 and 66-71 have been examined. By amendment herewith, Claims 1, 14-16, 20-26, 48, 54 and 59-65 are being changed and Claims 8-13, 18, 19, 27-32, 35-46, 55-58 and 66-84 are being cancelled. Following entry of the amendments submitted herewith, Claims 1-7, 14-17, 20-26, 33, 34, 47-50, 52-54 and 59-65 are pending in the application, and all claims are believed to be in condition for allowance.

The only claim rejection stated in the March 8, 2004 Office Action is under 35 U.S.C. § 112, first paragraph, based on an asserted lack of enablement. In a telephone interview on July 22, 2004, potential claim amendments were discussed to address the enablement rejection. Present for the telephone interview were Examiner Regina DeBerry, Examiner Elizabeth Kemmerer, Ms. Wren Schauer of RxKinetix, Inc., assignee of record of the application, and the undersigned. The claim amendments being made herewith substantially conform to potential claim amendments discussed during the telephone interview and positive indications from the Examiners concerning allowable subject matter. It is anticipated that the amendments made herewith will advance prosecution of this application, leading to allowance of the claims. The undersigned expresses appreciation to the Examiners for their participation in the telephone interview and for providing helpful guidance to advance prosecution.

Specifically, independent Claims 1 and 48 have been amended to require that the hematopoietic growth factor comprises G-CSF, the first biocompatible polymer comprises a polyoxyalkylene block copolymer comprising at least one block of a polyoxyethylene and at least one block of a polyoxypropylene, and the second biocompatible polymer comprises a cellulosic polymer. Dependent claims withdrawn from consideration have been cancelled, except with respect to those withdrawn claims for which independent Claim 1 or 48 are generic, as further discussed below. Minor amendments have been made to dependent claims to change claim dependencies and make minor textual corrections.

The amendments presented herewith are being made to advance prosecution, even though the appropriateness of the breadth of the enablement rejection made in the March 8, 2004 Office

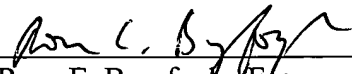
Action is not agreed with. By amending the claims herewith, it is to be expressly understood that there is no intention to disclaim or surrender unclaimed subject matter, including any subject matter previously within the scope of the claims and now excluded from the claims based on the amendments made herewith. Specifically reserved is a right to pursue claims to any such unclaimed subject matter in one or more continuation applications, which subject matter may include for example hematopoietic growth factor delivery formulations including a specie or species of hematopoietic growth factor other than G-CSF and/or of first biocompatible polymer other than polyoxyalkylene block copolymers with polyoxyethylene and polyoxypropylene blocks and/or of second biocompatible polymer other than cellulosic polymers, in any combinations and in any proportions.

The application is believed to be in condition for allowance and allowance of all pending claims is earnestly requested. With respect to still pending Claims 20-23, 25, 59-62, 64 and 65, it is noted that those claims had been withdrawn from examination as being directed to a nonelected specie of second biocompatible polymer. Independent Claim 1 or independent Claim 48, as amended herewith, are generic to all species of second biocompatible polymer recited in Claims 20-23, 25, 59-62, 64 and 65, so that with allowance of independent Claims 1 and 48, allowance would also be appropriate for those claims, as provided in 31 C.F.R. § 1.141(9).

If the Examiner believes that it would be helpful to discuss any of the amendments or remarks presented herein, the Examiner is respectfully invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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